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EXAMINER	
HUYNH, CARLIC K	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/679,116	Applicant(s) TROUVE ET AL.	
	Examiner Carlic K. Huynh	Art Unit 1617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25 and 30-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25 and 30-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Receipt of applicants' amendments and remarks filed on August 21, 2007 is acknowledged.

Status of the Claims

1. Claims 1-25 and 30-48 are pending in the application, with claims 26-29 and 49-52 having been cancelled, in response an "Amendment – After Non-Final Rejection" filed on August 21, 2007. Accordingly, claims 1-25 and 30-48 are being examined on the merits herein.

Response to Arguments

2. Applicant's "Remarks", see "Amendment-After Non-Final Rejection" filed on August 21, 2007, with respect to "Claim Objections" to claims 45 and 46 has been fully considered and are found persuasive. Applicants have amended claims 45 and 46 to be dependent on claim 44. Thus, the claim objections to claims 45 and 46 have been withdrawn.

3. Applicant's arguments in "Remarks", see "Amendment-After Non-Final Rejection" filed on August 21, 2007, with respect to "35 U.S.C. § 103(a) Rejections" to claims 1-25 and 31-48 has been fully considered and are not found persuasive. Applicants have argued that Shechmeister et al. teaches away from the use of organometallic gels because "the vaccine should not, however, contain calcium or other insolubilizing ions of a concentration sufficient to precipitate as an insoluble alginate get before injection of the vaccine into animal is made" (column 3, lines 42-46). Examiner disagrees because Shechmeister et al. does teach the use of organometallic gels because "in the practice of the present invention, we have found it satisfactory to use a commercially available aqueous alginate solution of the above type which

contains 4 percent weight/volume sodium alginate and 0.67 percent by weight calcium gluconate" (column 3, lines 47-51). Thus, the Rejections under 35 U.S.C. § 103(a) to claims 1-25 and 31-48 have been maintained.

4. Applicant's arguments in "Remarks", see "Amendment-After Non-Final Rejection" filed on August 21, 2007, with respect to "35 U.S.C. § 103(a) Rejections" to claim 30 has been fully considered and are not found persuasive. Applicants, again, have argued that Shechmeister et al. teaches away from the use of organometallic gels because "the vaccine should not, however, contain calcium or other insolubilizing ions of a concentration sufficient to precipitate as an insoluble alginate get before injection of the vaccine into animal is made" (column 3, lines 42-46). Examiner, again, disagrees because Shechmeister et al. does teach the use of organometallic gels because "in the practice of the present invention, we have found it satisfactory to use a commercially available aqueous alginate solution of the above type which contains 4 percent weight/volume sodium alginate and 0.67 percent by weight calcium gluconate" (column 3, lines 47-51). Thus, the Rejections under 35 U.S.C. § 103(a) to claim 30 have been maintained.

5. Applicant's arguments in "Remarks", see "Amendment-After Non-Final Rejection" filed on August 21, 2007, with respect to "Double Patenting" rejections to claims 1 and 30 has been fully considered and are found persuasive. Indeed the claims of the references used in the "Double Patenting" rejection of claims 1 and 30 are not directed to the organometallic gel. Thus, the "Double Patenting" rejections to claims 1 and 30 have been withdrawn.

6. Applicant's arguments with respect to claims 1-25 and 30-48 have been considered but are moot in view of the new ground(s) of rejection. The following new ground(s) of rejection to amended claims 1-25 and 30-48 are used herewith.

Claims 1-25 and 30-48 are directed to a composition and thus intended use is not given any patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-25 and 31-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brancq et al. (U.S. Patent 5,422,109) in view of Balassa (U.S. Patent 3,780,195), Shechmeister et al. (U.S. Patent 3,925,544), and Van Slyke (U.S. Patent 5,780,407).

Brancq et al. teach an injectable emulsion comprising of a mineral oil and a nonionic surfactant, a mannitol ester (column 1, lines 34-35). The mineral oil is 42.5% by weight of the composition (column 2, example 1). The HLB (hydrophile-lipophile balance) of the surfactant and oil is between 2 and 9 (column 5, lines 61-64).

Brancq et al. teach neither the organometallic gel, which comprise an anionic polymer and a multivalent metal cation, nor sorbitan monooleate as the nonionic surfactant.

Shechmeister et al. teach polyvalent vaccines that contain the organometallic gel components, which are 4 percent weight/volume sodium alginate as the anionic polymer and 0.67 percent by weight calcium gluconate as the multivalent metal cation (column 3, lines 48-51). It is noted that concentration of metal cations [C], expressed in mol/liter, for calcium gluconate is calculated to be 1.56 x 10^{-2} mol/liter. Additionally, the ratio of the concentration of anionic polymer [P]/[C] is calculated to be 5.97. Furthermore, the concentration of sodium alginate and calcium gluconate is sufficient to precipitate as an insoluble alginate gel before injection (column 3, lines 44-45).

Balassa teaches shell compositions containing starch ethers and esters of either sorbitan or mannitol, such as sorbitan monooleate and mannitol monooleate (column 3, lines 39 and 44-45).

Van Slyke teaches compositions comprising a surfactant and a diluent oil for oil-based drilling fluids (abstract). The composition contains 64.7% white mineral oil as the diluent oil and 8.1% sorbitan monooleate as the surfactant (examples 55-59, Table B).

To a person of skill in the art at the time of the invention, it would have been obvious to employ the mineral oil composition of Brancq et al. to contain an organometallic gel made up of an anionic polymer and a multivalent metal cation because the compounds of Shechmeister et al., are anionic polymers and multivalent metal cations and according to Shechmeister et al., mineral oil compositions contain anionic polymers and multivalent metal cations.

The motivation to combine the compounds of Brancq et al. to the compounds of Shechmeister et al. is that the compounds of Shechmeister et al. are mineral oil compositions that contain anionic polymers and multivalent metal cations.

To a person of skill in the art at the time of the invention, it would have been obvious to employ the mineral oil-nonionic surfactant composition of Brancq et al. to contain a specific nonionic surfactant such as sorbitan monooleate because the compounds of Balassa and Van

Slyke are nonionic surfactants and according to Balassa, mannitol monooleate and sorbitan monooleate are art equivalent nonionic surfactants.

The motivation to combine the compounds of Brancq et al. to the compounds of Balassa and Van Slyke is that the compounds of Balassa are the art equivalent nonionic surfactants mannitol monooleate and sorbitan monooleate.

Regarding the fatty phase in instant claims 1, 3-9, 21, 32-35, these claims have been read on the elected species of white mineral oils.

Regarding the nonionic surfactant in instant claims 22-25 and 44-48, these claims have been read on the elected species of sorbitan monooleate.

Regarding HLB in instant claim 47, Brancq et al. teach HLB of the surfactant and oil is between 2 and 9, which meets the limitations of the instant claim. It is considered that one of ordinary skill in the art at the time the invention was made would have found it obvious to vary and/or optimize the aqueous solution temperature provided in a composition, according to the guidance set forth in Nyberg et al., to provide a composition having the desired aqueous solution temperature. It is noted that "[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 223, 235 (CCPA 1955).

Regarding [C] in instant claim 39, Shechmeister et al. teach [C] is 1.56 x 10^{-2} mol/liter, which meets the limitations of the instant claim. It is considered that one of ordinary skill in the art at the time the invention was made would have found it obvious to vary and/or optimize the aqueous solution temperature provided in a composition, according to the guidance set forth in Nyberg et al., to provide a composition having the desired aqueous solution temperature. It is noted that "[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 223, 235 (CCPA 1955).

8. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brancq et al. (U.S. Patent 5,422,109) in view of Shechmeister et al. (U.S. Patent 3,925,544) and Ganne et al. (FR 2754715).

Brancq et al. teach an emulsion comprising of a mineral oil (column 1, lines 34-35).

Brancq et al. teach neither the organometallic gel, which comprise an anionic polymer and a multivalent metal cation, nor at least one antigen or at least one generator in vivo of a compound comprising an amino acid sequence.

Shechmeister et al. teach polyvalent vaccines containing the organometallic gel components, which are sodium alginate as the anionic polymer and calcium gluconate as the multivalent metal cation (column 3, lines 48-51).

Ganne et al. teach a composition containing at least one antigen or at least one in vivo generator of a compound comprising an amino acid sequence (abstract).

To a person of skill in the art at the time of the invention, it would have been obvious to employ the mineral oil of Brancq et al. to contain an organometallic gel and an antigen because the compounds of Shechmeister et al., are anionic polymers and multivalent metal cations, the components of the organometallic gel, and the compounds of Ganne et al. are antigens and according to Shechmeister et al., mineral oil compositions contain anionic polymers and multivalent metal cations and according to Ganne et al., mineral oil compositions contain antigens.

The motivation to combine the compounds of Brancq et al. to the compounds of Shechmeister et al., and Ganne et al. is that the compounds of Shechmeister et al. are mineral oil compositions containing anionic polymers and multivalent metal cations, and the compounds of Ganne et al. are antigens.

Conclusion

9. No claims are allowed.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlic K. Huynh whose telephone number is 571-272-5574. The examiner can normally be reached on Monday to Friday, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SHENGJUN WANG
PRIMARY EXAMINER S. Wang

ckh

REMARKS

Through this amendment, claims 45 and 46 have been amended and claims 26-39 and 49-52 have been cancelled. Claims 1-25 and 30-48 are currently pending in the application. Support for the amendments to the claims may be found throughout the specification and claims as originally filed.

Election/Restriction

Applicants note that the restriction requirement between Groups I and II was made final in the outstanding office action. In response, Applicants have cancelled claims 26-29 and 49-52, and reserve the right to pursue the subject matter of these claims in a divisional application. Applicants also note with appreciation that the species requirement of (2) a multivalent cation salt and (3) anionic polymer have been withdrawn in paragraph 3 of the outstanding office action. In addition, the Examiner maintained and made final the election of species requirement of (1) white mineral oils for the fatty phase and (4) sorbitan monooleate for the nonionic surfactant.

Claim Objections

The Examiner objected to claims 45 and 46 as being improperly dependent from claim 45. In response, as noted by the Examiner, claim 44 is directed (in part) to esters of sugars and ethers of sugars. Therefore, claims 45 and 46 have been amended to be dependent from claim 44. Accordingly, it is respectfully submitted that this objection has been overcome, and should be withdrawn.

35 U.S.C. § 103(a) Rejections

35 U.S.C. § 103(a) states:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-25 and 31-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brancq et al. (U.S. Patent No. 5,422,109), in view of Balassa (U.S. Patent No. 3,780,195), Shechmeister et al. (U.S. Patent No. 3,925,544) and van Slyke (U.S. Patent No. 5,780,407). Applicants respectfully traverse this rejection. Specifically, the Examiner states that Brancq et al. fails to teach an organometallic gel.

To remedy this deficiency, the Examiner relies on Shechmeister et al. for the teaching of organometallic gels. According to the Examiner, "the concentration of sodium alginate and calcium gluconate is sufficient to precipitate as an insoluble alginate gel before injection (column 3, lines 44-45)." However, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). [emphasis in original], M.P.E.P. § 2141.02(VI). Shechmeister et al. actually teaches away from the use of organometallic gels in this cited section of the patent. Indeed, the portion cited by the Examiner states, "[t]he vaccine should not, however, contain calcium or other insolubilizing ions of a concentration sufficient to precipitate as an insoluble alginate get[sic] before injection of the vaccine into animals is made." (U.S. Patent No. 3,925,544, col. 3, lines 42-46). [Emphasis Added]. Therefore, contrary to the Examiner's assertion, Shechmeister teaches away from the use of organometallic gels, specifically discouraging the use of organometallic gels. *See In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

In addition, the Examiner has provided no reason for the combination of Brancq et al. and Shechmeister et al. On page 5 of the office action, it is stated that the "motivation to combine the compounds of Brancq et al. to the compounds of Shechmeister et al. is that the compounds of Shechmeister et al. are mineral oil compositions that contain anionic polymers and multivalent metal cations." However, Applicants are unable to locate any reference to mineral oil compositions in Shechmeister et al. The compositions of Shechmeister are aqueous alginate compositions that also comprise formalin (37% formaldehyde solution in water). *See* paragraph bridging columns 2 and 3, Shechmeister et al. There is no mention of mineral oil in the patent. Further, the statement made by the Examiner merely categorizes the Shechmeister et al. patent and does not actually provide a reason as to why one of ordinary skill in the art would have applied the teachings of Shechmeister et al. to the teachings of Brancq et al.

Last, the compositions of Brancq et al. contain an oily continuous phase (see abstract), while the compositions of Shechmeister are aqueous (column 3, lines 47-57). Therefore, the two compositions have completely different modes of operation, and one of ordinary skill in the art would not have looked to combine the two patents.

The disclosures of Balassa and Van Slyke fail to make up for the deficiencies of Brancq et al. in view of Shechmeister et al. Neither one of these references teaches organometallic gels. Therefore, it is respectfully submitted that the pending claims are patentable over the prior art of record. Applicants request that the Examiner withdraw this rejection and allow the pending claims to issue.

The Examiner additionally rejects claim 30 as being unpatentable over Brancq et al. (U.S. Patent No. 5,422,109), in view of Shechmeister et al. (U.S. Patent No. 3,925,544) and Ganne et al. (FR 2754715). This rejection is deficient for the same reasons as discussed above with respect to Shechmeister et al. Ganne et al. fails to remedy the deficiencies of the Shechmeister et al. Therefore, this rejection should also be withdrawn.

Double Patenting

The Examiner provisionally rejected claims 1 and 30 as being unpatentable over claim 19 of U.S. Serial No. 09/698,121 ("the '121 application"). The Examiner contends that the conflicting claims are not patentably distinct because claim 19 of the '121 application contains the same antigen and surfactant used in a pharmaceutical composition as instant claims 1 and 30. However, the Examiner has not met his burden with respect to the presence of the organometallic gel set forth in claims 1 and 30 of the instant application. Specifically, claim 19 of the '121 application fails to set forth the organometallic gel that is required in claim 1. The Examiner has not explained how this limitation is met by the '121 application. Therefore, the double patenting rejection is deficient for this reason alone, as the claims are patentably distinct.

In addition, in light of the restriction requirements that have been made in both applications, the claims of the present application and the '121 application are further distinguished. Per the election of species requirement made in the present application, the non-ionic surfactant is sorbitan monooleate, while the elected species of surfactant in the '121 application is mannitan oleate having 8 ethoxy units. Since both the Examiner of the present application and the Examiner of the '121 application found that each species of surfactant is patentably distinct, claim 19 of the '121 application and claims 1 and 30 of the present application must also be patentably distinct. Therefore, Applicants respectfully submit that this rejection is improper and request that it be withdrawn. If the Examiner decides to maintain this rejection, Applicants request clarification as to how the limitation of an ethoxylated surfactant as required in claim 19 of the '121 application is met by current claims 1 and 30, and also how the organometallic gels required in claims 1 and 30 of the present application are met by claim 19 of the '121 application.

The Examiner also rejects claim 1 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 22 of Trouve (6,103,770, "the '770 patent") and claim 1 of Trouve (6,221,919, "the '919 patent"). Applicants traverse this rejection. Specifically, neither claim 22 of the '770 patent nor claim 1 of the '919 patent set forth the required organometallic gel set forth in claim 1 of the present application. The Examiner has not described how this limitation of claim 1 is present in claim 22 of the '770 patent or claim 1 of the '919 patent. This rejection should be withdrawn based on this reason alone.

The Examiner addresses the ethoxylated fatty esters of claims 1 and 22 of the '770 patent and the '919 patent, respectively, contending that these claims set forth the "same fatty acid ester used in a pharmaceutical composition in the instant claim 1." However, as mentioned above, claim 1 of the instant application has been restricted to sorbitan monooleate, which is non-ethoxylated. Therefore, Applicants respectfully submit that this rejection is improper and request that it be withdrawn. As with the above rejection, if the Examiner decides to maintain this rejection, Applicants request clarification as to how the limitation of an ethoxylated surfactant is met by current claim 1, and also how the organometallic gels required in claims 1 and 30 of the present application are met by claims 1 and 22 of the '770 patent and the '919 patent.

The Examiner sets forth several other nonstatutory obviousness-type double patenting rejections. Specifically, the Examiner rejects:

- claim 1 of the present application over claims 1 and 10 of copending Application Trouve (U.S. 2006/010110) in view of Brancq et al. (U.S. Patent 5,422,109), Balassa (U.S. Patent 3,780,195), Shechmeister et al. (U.S. Patent 3,925,544) and Van Slyke (U.S. Patent 5,780,407) as applied to claims 1-25 and 31-48 above;

- claims 1 and 30 over claims 1, 6, and 10 of Brancq et al. (5,422,109), and claims 1 and 6 of Brancq et al. (5,424,067) in view of Brancq et al. (U.S. Patent 5,422,109), Balassa (U.S. Patent 3,780,195), Shechmeister et al. (U.S. Patent 3,925,544) and van Slyke (U.S. Patent 5,780,407) as applied to claims 1-25 and 31-48 above and in further view of Ganne et al. (FR 2754715) as applied to claim 30 above; and
- claim 1 is rejected over claims 1 and 8 of Trouve (6,103,770) and claims 4, 6-7, 9-10, 12-13, 16, 17, and 19 of Trouve (6,221,919) in view of Brancq et al. (U.S. Patent 5,422,109), Balassa (U.S. Patent 3,780,195), Shechmeister et al. (U.S. Patent 3,925,544) and Van Slyke (U.S. Patent 5,780,407) as applied to claims 1-25 and 31-48 above.

In response, Applicants note that the reasoning of these rejections is not specifically stated. In addition, the Examiner has not made a *prima facie* case as to how claims 1 and 10 of copending Application Trouve (U.S. 2006/010110), claims 1, 6, and 10 of Brancq et al. (5,422,109) and claims 1 and 6 of Brancq et al. (5,424,067), claims 1 and 8 of Trouve (6,103,770) and claims 4, 6-7, 9-10, 12-13, 16, 17, and 19 of Trouve (6,221,919) are related to the double patenting rejections as the enumerated claims and/or references are not discussed in the rejections set forth under 35 U.S.C. § 103(a). As a consequence, Applicants have assumed that the rationale behind these rejections is similar to the rejections under 35 U.S.C. § 103(a), addressed above. It is respectfully urged that these double patenting rejections be withdrawn for the same reasons as set forth above with respect to the rejections under 35 U.S.C. § 103(a).

CONCLUSION

The foregoing is intended to be a complete response to the Office Action of March 21, 2007. An indication of allowance of all claims is respectfully solicited. Early notification of a favorable consideration is respectfully requested.

It is believed that no fee is due in conjunction with this response. However, in the event that it is determined that a fee is due in conjunction with this response or to maintain pendency of the application, the Commissioner is authorized to charge any such fee to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: August 21, 2007

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